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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DAISY ALVAREZ, individually and as
successor in interest to Ricardo
Andrade, deceased,

Plaintiff,

vs.

CITY OF PASADENA and DOES 1-10,
inclusive,

Defendants.

Case No. 2:25-cv-02490-MWF-PVC

Assigned to:

Hon. District Judge Michael W. Fitzgerald
Hon. Magistrate Judge Pedro V. Castillo

**JOINT RULE 26 SCHEDULING
CONFERENCE REPORT**

Date: June 9, 2025
Time: 11:00 a.m.
Crtrm: 5A

Pursuant to Local Rule 26-1, Federal Rule of Civil Procedure Rule 26(f), and this Court's Order, the parties hereby submit the following Joint Report. Pursuant to Federal Rule of Civil Procedure Rule 26(f) and this Court's Order, an early meeting was held between counsel, Renee Masongsong of the Law Offices of Dale K. Galipo

1 and Kevin Conlogue of Conlogue Law, LLP, counsel for Plaintiff, and Nathan Oyster
2 and Caylin W. Jones, counsel for Defendant City of Pasadena.

3 **A. STATEMENT OF THE CASE**

4 **i. According to Plaintiff**

5 This is a civil rights and state tort action brought pursuant to 42 U.S.C. §1983
6 and California law. This case arises from the violation of various rights under the
7 United States Constitution and California law in connection with the unjustified and
8 unlawful shooting of the decedent, Ricardo Andrade. Plaintiff brings state and federal
9 causes of action for: (1) violations of 42 U.S.C. § 1983 and the Fourth Amendment,
10 including Excessive Force and Denial of Medical Care; (2) Interference with Familial
11 Relations in violation of 42 U.S.C. § 1983 and the Fourteenth Amendment; (3)
12 Municipal Liability— Unconstitutional Custom, Practice, or Policy, Ratification, and
13 Failure to Train; (4) Battery; (5) Negligence; (6) Violation of Cal. Civil Code § 52.1.

14 On April 13, 2024, police officers working for the City of Pasadena (names
15 currently unknown, identified as “DOE OFFICERS” in the Complaint) contacted Mr.
16 Andrade when he was in his vehicle, a white pick-up truck. During this contact, Mr.
17 Andrade drove away in his vehicle. Officers pursued Mr. Andrade in their patrol
18 vehicles. The vehicle pursuit ended when Mr. Andrade’s vehicle collided with an
19 unoccupied vehicle parked in the front yard of a residence.

20 When the pursuit ended, Mr. Andrade exited his vehicle and ran into the
21 backyard of the residence located in the 800 block of Arden Road. Additional City of
22 Pasadena police officers responded and set up a containment perimeter. The officers
23 then deployed a police K-9 on Mr. Andrade. The police K-9 bit Mr. Andrade, and Mr.
24 Andrade cried out in pain. When the police K-9 was biting Mr. Andrade, multiple City
25 of Pasadena police officers were on scene with their weapons pointed at Mr. Andrade.
26 When Mr. Andrade was on the ground, being bitten by the police K-9 and crying out
27 in pain, officers fired multiple shots at Mr. Andrade. As a result of the shooting, Mr.
28 Andrade died and lost his earning capacity. Prior to his death, Mr. Andrade suffered

1 pain from the K-9 deployment and the gunshots.

2 On information and belief, Mr. Andrade never pointed a weapon at any officer
3 and never verbally threatened to harm any officer. Mr. Andrade posed no immediate
4 threat of death or serious bodily injury during this incident, and the officers had other
5 reasonable alternative measures other than shooting. Further, on information and
6 belief, the officers did not give Mr. Andrade appropriate commands or an adequate
7 verbal warning that deadly force would be used prior to shooting. Therefore, the
8 shooting, was excessive, unreasonable, unjustified, inappropriate, and contrary to
9 basic police training.

10 **ii. According to Defendant City of Pasadena**

11 This litigation arises from the April 13, 2024 fatal officer-involved shooting of
12 decedent Ricardo Andrade by officers of the Pasadena Police Department. On April
13 13, 2024, at appoximately 9:00 p.m., Pasadena police officers observed Decedent
14 Ricardo Andrade parked facing the wrong way on a one way street. Officers
15 contacted Andrade when he was in his vehicle and briefly spoke with him. Suddenly
16 and without warning, Andrade turned his car on and drove away, nearly striking
17 officers with his vehicle. Officers purused Andrade's vehicle before Andrade crashed
18 into a vehicle parked in a residential driveway. Andrade then fled his vehicle and
19 broke into a nearby home, threatening the residents and demanding the keys to their
20 vehicle. After he was unable to obtain keys to another vehicle Andrade hid in a
21 nearby backyard.

22 Pasadena PD officers located Andrade and provided him multiple commands to
23 surrender, warning that a police K-9 would be deployed. Because Andrade refused to
24 surrender, a police K-9 was deployed for the purposes of apprehending Andrade.
25 Officers then slowly approached Andrade to take him into custody. As they did so
26 Andrade brandished a firearm in his right hand. Andrade was provided multiple
27 commands and warnings to drop the gun, but he refused to comply and an officer
28 involved shooting occurred.

1 **B. SUBJECT MATTER JURISDICTION**

2 This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
3 1343(a)(3)-(4) because Plaintiff asserts claims arising under the laws of the United
4 States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the
5 United States Constitution. This Court has supplemental jurisdiction over Plaintiff's
6 claims arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims
7 are so related to the federal claims that they form part of the same case or controversy
8 under Article III of the United States Constitution.

9 Venue is proper in this Court under 28 U.S.C. § 1391(b) because Defendants
10 reside in this district and all incidents, events, and occurrences giving rise to this
11 action occurred in this district.

12 **C. LEGAL ISSUES**

13 Based on current information, Plaintiff's key legal and factual issues in this case
14 are:

- 15 1) Whether the actions and inactions by the involved officers were
16 reasonable under the circumstances within the meaning of Fourth
17 Amendment jurisprudence;
- 18 2) Whether the shooting and alleged use of excessive force against the
19 decedent resulted from conduct that was malicious, oppressive, or in
20 reckless disregard of his rights;
- 21 3) Whether the individual officers unreasonably denied medical care to the
22 decedent;
- 23 4) Whether the City of Pasadena has unconstitutional policies, that were the
24 cause of the Plaintiff's and the decedent's injuries;
- 25 5) Whether the officers had reasonable suspicion to detain and probable
26 cause to arrest the decedent;
- 27 6) Whether the officers' use of force, including deadly force, was
28 objectively reasonable under the circumstances;

- 1 7) Whether the officers were negligent with respect to their handling of the
- 2 situation, including using force against the decedent and failing to deliver
- 3 prompt medical care to him;
- 4 8) Whether Plaintiff is entitled to receive compensation for any damages,
- 5 including whether Plaintiff is entitled to punitive damages; and
- 6 9) The nature and extent of the Plaintiff's damages, including punitive
- 7 damages.

8 Defendant Contends the Key Legal Issues Are:

- 9 1) Whether the officers' use of force was reasonable under the
- 10 circumstances.
- 11 2) Whether the officers immediately summoned medical aid for the
- 12 decedent.
- 13 3) Whether the officers' use of force was unrelated to a legitimate law
- 14 enforcement interest.
- 15 4) Whether an unconstitutional custom, policy, or practice led to a violation
- 16 of the decedent's rights.
- 17 5) Whether any officer violated the decedent's rights by threats,
- 18 intimidation, or coercion.
- 19 6) Whether any individual Defendants are entitled to qualified immunity.

20 **D. PARTIES, EVIDENCE, ETC.**

21 The Plaintiff is Daisy Alvarez, individually and as successor in interest to
22 Ricardo Andrade, deceased. Ms. Alvarez is the decedent's mother.

23 The Defendant is the City of Pasadena. Plaintiff intends to seek leave to file an
24 amended complaint naming the involved City of Pasadena police officers involved in
25 this incident, including those officers who used force against the decedent.

26 Defendants contend that key witnesses include neighbors and homeowners who
27 witnessed portions of the incidents and key documents include body worn camera,
28 dash camera, photographs, and reports.

1 **E. DAMAGES**

2 Plaintiff seeks damages in excess of \$10,000,000, including wrongful death
3 damages, survival damages, and punitive damages. Plaintiff also seeks attorneys' fees
4 and costs of suit.

5 Defendant denies that Plaintiff is entitled to any damages.

6 **F. INSURANCE**

7 The City of Pasadena is permissibly self-insured per California Government
8 Code § 990.

9 **G. MOTIONS**

10 Plaintiff anticipates filing a motion to amend the complaint

11 Plaintiff anticipates filing motions *in limine* in this case if the case proceeds to
12 trial.

13 Defendant anticipates filing a Motion for Summary Judgment and Motions in
14 *limine* if the case proceeds to trial.

15 **H. MANUAL FOR COMPLEX LITIGATION**

16 N/A

17 **I. STATUS OF DISCOVERY**

18 The parties will exchange initial disclosures pursuant to Rule 26 on June 6,
19 2025.

20 The parties anticipate entering into a stipulated protective order prior to
21 conducting any discovery in order to ensure the confidential nature with respect to
22 sensitive documents.

23 **J. DISCOVERY PLAN**

24 Counsel agree that no changes should be made in the timing, form, or
25 requirements for disclosures under Rule 26(a). The parties will make initial
26 disclosures on or before June 6, 2025 The parties are not requesting changes to the
27 limitations on discovery imposed under the Federal Rules of Civil Procedure or Local
28 Rules at this time. There are no anticipated issues about disclosure or discovery of

1 electronically stored information. Counsel agree that no changes should be made as to
2 discovery as it is governed by law or Local Rules.

3 **i. Plaintiff**

4 Plaintiffs served a Request for Production of Documents on the City of
5 Pasadena on May 20, 2025. Plaintiff intends propound additional written discovery
6 on after learning the names of the involved officers. In addition to retaining experts
7 and conducting expert depositions at the appropriate time, Plaintiff intends to depose
8 the officers who used force against the decedent and additional officers who
9 responded to this incident.

10 According to Plaintiff, subjects on which discovery may be needed include: the
11 officers' training; the officers' prior uses of force, if any, including any citizens' or
12 internal complaints made against the involved officers; City of Pasadena Department
13 policies with regards to use of force complaints; Department policies with regards to
14 when deadly force may be used; the handling of evidence by City of Pasadena
15 employees; medical treatment provided to the decedent on the scene of the incident;
16 testimony of witnesses and involved officers, regarding the facts of the shooting
17 incident and the City's investigation into the incident.

18 **ii. Defendants**

19 Defendant anticipates serving written discovery in early June 2025. Defendant
20 contends the relevant subjects of discovery include any body worn camera, dash
21 camera, or other video regarding of the incident, reports related to the incident,
22 photographs, and relevant Pasadena Police Department policies.

23 **K. DISCOVERY CUT-OFF**

24 The parties propose a discovery cut-off date of July 7, 2026.

25 **L. EXPERT DISCOVERY**

26 The parties propose an initial expert disclosure date of May 19, 2026.

27 The parties propose a rebuttal expert disclosure date of June 9, 2026.

1 **M.DISPOSITIVE MOTIONS**

2 **i. Plaintiff**

3 Plaintiff requests in advance a minimum of two weeks to oppose any
4 dispositive motion such as a motion for summary judgement or summary
5 adjudication, should one be filed. The parties agree to work together to propose an
6 extended briefing schedule prior to any motion for summary judgment or summary
7 adjudication being filed, such that Plaintiff will have at least two weeks to oppose the
8 motion and defendants would have at least two weeks to reply to the motion.

9 **N. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION**

10 No settlement discussions have taken place at this time. Counsel are amenable
11 to using the attorney settlement panel.

12 **O. TRIAL ESTIMATE**

13 The parties have requested trial by jury and estimate the length of the trial at
14 approximately 5 to 7 court days after jury selection.

15 Parties propose a trial date of October 13, 2026. Parties request a Pre-Trial
16 Conference date of September 21, 2026.

17 **P. TRIAL COUNSEL**

18 Dale K. Galipo will be lead trial counsel for the Plaintiff's case.

19 Lead trial counsel for Defendant will be Nathan Oyster.

20 **Q. INDEPENDENT EXPERT OR MASTER**

21 Counsel agree that neither a discovery master nor independent scientific expert
22 are needed for this lawsuit.

23 **R. TIMETABLE**

24 Please see attached.

25 **S. OTHER ISSUES**

26 Plaintiffs are currently ignorant as to the names of the involved police officers.
27 Plaintiffs are promptly propounding discovery to learn the names of these officers and
28 are hopeful that these names will be disclosed by Defendant by way of their initial

1 disclosures.

2 Defendant will provide documents in their initial disclosures identifying any
3 shooting officers.

4
5 DATED: May 21, 2025

BURKE, WILLIAMS & SORESENSEN, LLP

6 By: s/ Nathan Oyster

7 Nathan Oyster

8 Caylin W. Jones

9 Attorney for Defendant

CITY OF PASADENA

10
11 DATED: May 21, 2025

LAW OFFICES OF DALE K. GALIPO

12 By: s/ Renee V. Masongsong

13 Dale K. Galipo

14 Renee V. Masongsong

15 Attorneys for Plaintiff

16 DATED: May 21, 2025

CONLOGUE LAW, LLP

17
18 By: s/ Kevin S. Conlogue

19 Kevin S. Conlogue

20 Ashley M. Conlogue

21 Attorneys for Plaintiff